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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,278	09/11/2001	John S. Wang	BEAR-P020	8686
23363	7590	09/06/2006	EXAMINER	
CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			GHEBRETINSAE, TEMESGHEN	
			ART UNIT	PAPER NUMBER
			2611	
DATE MAILED: 09/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,278

Applicant(s)

WANG ET AL.

Examiner

Temesghen Ghebretinsae

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 and 6067 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-31,35-43,46-58 and 60-67 is/are rejected.
- 7) ☒ Claim(s) 3-4,32-34,44-45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Confirmation number (See MPEP § 503).

Response to Arguments

2. Applicant's arguments with respect to claims 1-67 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2,5-7,9-20,24-25,27-31,35-41,42-43,46-48,50-58,60-61,65-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Wedding (6,967,988).

Consider claims 1-2,5-7,9-20,24-25,27-31,35-41,42-43,46-48,50-58,60-61,65-67 as claimed now. Wedding discloses an adaptive equalizer device comprising: a controllable analog filter (20) comprising: a data signal input for receiving data signals; a

control signal input for receiving a control signal; an output for carrying filtered data signal output; and an error generator (21,24,) for accessing the performance of the controllable analog filter according to error functions. The error generator comprise a weighting function (25) for applying a weight function to at least one of the filtered output signals to emphasize the error signal; and an output for carrying error generator output data signal. (See fig.2).

The adaptive equalizer further comprises a processing module for processing error generator output data signal (22) as claimed in claims 2,31,43. An equalizer controller comprising input for receiving equalizer controller input data signal; and output for carrying the control signal (5,6) as claimed in claims 5,32,46. The equalizer controller input data signal comprises error generator output data signal as claimed in claim 6,36,47. The controllable analog filter device comprises a digital device as claimed in claims 7,48. The error function may be added or updated as claimed in claims 10-11,50-51. The data inputs and control inputs are analog input or digital inputs as claimed in claim 12-13,53-54. The equalizer further comprises a processing unit or digital device as claimed in claims 14,25,26, 66-67. The controller further comprises external data output; external control output; external data input; external control input (5,6) as claimed in claims 15-18,6-58. The controllable analog filter further comprises external data signal inputs and outputs (1) as claimed in claims 19-20; 60-61. The adaptive equalizer of wedding also comprises a clock as claimed in claims 22-23 and 63-64. (See fig. 2, col.2, line 51 to col.3, line 11)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21,62 are rejected under 35 U.S.C. 103(a) as being unpatentable over wedding.

Wedding discloses all the claimed subject matters as claimed above. Wedding differs from the claimed invention in that the error generator does not show or comprise an eye monitor as claimed in claims 21 and 62. However, the admitted prior art fig. 1 does show an adaptive equalizer comprising an error generator comprising an eye monitor as claimed in claims 21 and 62. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the eye monitor of the admitted prior art in the system of Wedding so that the error generated by the error generator (21,24) are monitored and the filter (20) is adjusted based on the monitored.

Allowable Subject Matter

7. Claim 3-4; 32-34,44-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temesghen Ghebretinsae whose telephone number is 571-272-3017. The examiner can normally be reached on Monday-Friday from 8 to 6. The examiner can also be reached on alternate.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temesghen Ghebretinsae
Primary Examiner
Art Unit 2611

T.Ghebretinsae

9/2/06.

TEMESGHEN GHEBRETINSAE
PRIMARY EXAMINER